

### **ARTICLE III. CONSTRUCTION OR REPAIR OF SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS\***

#### **Sec. 40-82. Order of council generally.**

Whenever it shall be found necessary by the city council that sidewalks, driveways, curbs and gutters, or any of them, be constructed, reconstructed, repaired or brought to grade along or in front of any real estate abutting upon any public street in the city, the city council shall designate the lot, block, street or community in which work is deemed necessary and shall order the construction, reconstruction, repair or regrading of such improvements, prescribe the width of the sidewalks, the kind and character of the material out of which they shall be built, the building of all such improvements according to the line and grade as fixed by the city engineer and the specifications adopted by the city, and designate the time within which such improvements shall be completed.

(Code 1968, § 41-82; Ord. No. 90-635, § 110, 5-23-90)

#### **Sec. 40-83. Notice to property owners when work ordered.**

When the city council shall have ordered the construction, reconstruction, repair or regrading of sidewalks, driveways, curbs and gutters as provided for in this article, it shall be the duty of the city engineer to serve notice that such improvements must be laid by the owners of the abutting property, showing the width of the sidewalks, and the materials out of which the same shall be constructed, and the time within which the improvements shall be completed, and the estimated cost thereof per square or lineal foot. Such notice may be served by delivering a copy thereof to the owner of the abutting property or to any tenant of the owner living on the particular real estate included in the order, or if the property is unoccupied and the owner or his authorized agent cannot be found, then notice may be given by posting a copy thereof

**\*Charter reference**—Authority of council to require construction of sidewalks by owners of abutting property, Art. IV, § 4.

**Cross reference**—Erection of detour of barricade signs, § 45-18.

upon the property, and such officer shall make due return to the city engineer stating the manner and time of service thereof, which return when produced in court shall preclude any question as to whether or not sufficient notice has been given. In lieu of the above notice, the city engineer may cause notice to be mailed to the post office address of the owner, and the mailing of such notice shall constitute sufficient notice, whether received or not, or notice may be given by publishing a brief summary of the order once in some daily newspaper published in the city, of general circulation, addressed "Sidewalk Improvements: To Whom It May Concern," at least thirty (30) days before the improvement is required to be completed, and such publication in the paper shall be deemed a sufficient notice. Notice will be sufficient if given to the proper owner in any one of the ways above indicated.

(Code 1968, § 41-83; Ord. No. 90-635, § 110, 5-23-90)

#### **Sec. 40-84. Duties of abutting property owners; failure of property owners to have work done.**

It shall be the duty of every owner of real estate in the city, abutting on any public street in the city, in front of which real estate or along which street the city council may order the construction, reconstruction or repair, or bringing to grade of sidewalks, driveways, curbs or gutters, or any of them, to cause the same to be constructed, reconstructed or repaired or bring the same to grade, as the case may be, in accordance with the terms of such order, the specifications set out in this article and on the line and grade as established by the city engineer for the particular block, street or community in which the real estate may be situated. Such property owners shall cause to be constructed such improvements in front of their respective property after the giving of notice as prescribed in this article, within the time fixed by the city council. After the expiration of the time indicated in the notice to construct, reconstruct, repair or regrade, if the abutting owner shall not have built such improvements as ordered and indicated in the notice, then the city shall have the right to construct the same in accordance with the order for the same, and the standard specifica-

tions hereinafter set out, under the supervision of the city engineer, and may advertise for bids or may itself construct such improvements, at the expense of the abutting property owner, and may recover a personal judgment in any court having jurisdiction of the amount for the cost and expense in constructing, reconstructing, repairing or regrading such sidewalks, driveways, curbs and gutters, with ten (10) percent additional for attorneys' fees, and may, by ordinance, fix a lien on the property improved.

(Code 1968, § 41-84; Ord. No. 90-635, § 110, 5-23-90)

**Charter reference**—Authority to enact ordinance similar to above section, Art. IV, § 4.

**Sec. 40-85. Performance of work by city at request of property owner.**

Any property owner or his duly authorized agent, who shall desire the city to construct for him any sidewalk, driveway, curb or gutter, or to reconstruct, or repair or regrade the same, shall have the right to petition the city council therefore, asking that such work be performed at the cost and expense of the petitioner, offering to defray all costs of advertising for bids, if any, letting contract and cost of grading, constructing and finishing, and designate the terms upon which he can pay. Upon receiving such petition, the same shall be referred to the city engineer, who shall determine forthwith the line and grade, make a record thereof and estimate the cost of construction, including the advertising for bids, if necessary, and report to the council. Should the council see fit to grant such petition, it shall determine the material out of which the improvements shall be constructed and the manner of payment therefor. Before any work or sidewalk, driveway, curb, or gutter construction shall be undertaken by the city for any property owner, such property owner shall comply with all requirements of the city as to payment therefor, either in cash in advance, or part cash and the giving of security for the unpaid balance. The city shall have the right to award any quantity of work under this section to a general contractor whose bid shall be accepted by the council as the lowest and best secure bid for the construction of sidewalks, drive-

ways, curbs and gutters during a stipulated time, not to exceed one (1) year.

(Code 1968, § 41-85; Ord. No. 90-635, § 110, 5-23-90)

**Sec. 40-86. Permit for construction of driveways.**

(a) No person shall construct, or cause to be constructed, any driveway connecting private property with a public street without first obtaining a written permit therefor from the city engineer.

(b) Upon receipt of an application for a driveway permit, the city engineer shall make a determination as to whether the driveway applied for is necessary to provide reasonable access to the private property consistent with the safety and convenience of the public, taking into account the following matters:

- (1) The nature and volume of traffic on the street on which the private property abuts.
- (2) The dimensions and type of construction of the street on which the private property abuts.
- (3) The effect that the passage of vehicles to and from the private property will have on the safety of the traveling public and on the movement of traffic in the street to which the driveway connects.
- (4) The use to be made of the private property.
- (5) The dimensions of the private property, and the type and location of improvements thereon or to be placed thereon.
- (6) The extent of the access which the private property has or will have to other public streets, if any.

(c) After making such determination, the city engineer shall grant or refuse the application in accordance with the following rules:

- (1) He shall refuse to issue a permit for a single driveway opening unless it shall have been found to be necessary for reasonable access.
- (2) If the application is for more than one (1) driveway opening into the same premises, he shall allow no more such openings than

the minimum number necessary to provide reasonable access.

- (3) He shall refuse to issue a permit for any driveway opening as to which it has been found that the proposed use of the driveway would create an extraordinary traffic hazard or would excessively interfere with the normal use of the street right-of-way.
- (4) Every permit issued shall specify the maximum width of the driveway opening for which the permit is granted and such width shall be no greater than the minimum necessary to provide reasonable access.
- (5) If a permit is granted for more than one driveway opening into the same premises, it shall specify that each such opening shall be separated from the others by a distance of not less than twenty (20) feet, and that an upright curb must be constructed along the edge of the area of separation next to the improved portion of the street.

(Code 1968, § 41-86; Ord. No. 90-635, §§ 110, 111, 5-23-90; Ord. No. 93-514, § 77, 5-5-93)

#### **Sec. 40-87. Driveway openings under city's street improvement contracts.**

So far as they may be applicable, the standards and procedures above set forth in section 40-86, of this Code, including the requirements for a written permit for each opening, shall also be used by the city engineer in allowing driveway openings under the city's street improvement contracts; provided, however, the specifications to any such contracts may authorize the replacement of previously existing driveways without the necessity of obtaining a permit and, to the extent that they do so, no permit will be required.

(Code 1968, § 41-87; Ord. No. 70-932, § 1, 6-16-70; Ord. No. 90-635, § 110, 5-23-90)

#### **Sec. 40-88. Permit to construct or repair sidewalks, curbs or gutters.**

It shall be unlawful for any person, except a person laying permanent street pavement under contract with the city, to construct, reconstruct, repair or regrade any sidewalks, curbs or gutters in the city without obtaining a permit therefor

from the city engineer, which permit shall be kept conspicuously displayed within twenty (20) feet of the work during the prosecution thereof. The application for a permit shall be made to the city engineer, stating the nature and extent of the proposed improvements with the location by lot, block and street number. The city engineer shall issue no permit to any person, if such person has constructed, reconstructed or repaired any sidewalk or curb and gutter on any line or grade other than that given by the city engineer, or in any other manner than as provided in the ordinances of the city, until such defective work shall have been rebuilt or reconstructed in strict accordance with the city ordinances, nor shall any permit be issued hereunder nor under any order of the city council hereafter passed ordering the construction, reconstruction, repair or bringing to grade of sidewalks, curbs and gutters, until the city engineer has established the lines and grades for the proposed work and made a permanent record thereof. A fee of five dollars (\$5.00) shall be charged for the issuance of each permit and for the staking of such work.

(Code 1968, § 41-88; Ord. No. 90-635, § 110, 5-23-90)

**Cross reference**—Refund of certain permit fees paid to department of public works and engineering, § 2-285.

#### **Sec. 40-89. Establishment of line and grade.**

All petitions for the creation of sidewalk districts or for the building of sidewalks under the supervision of the city, or matters of constructing, reconstructing, repairing or regrading sidewalks, curbs, gutters or driveways, whether initiated by petition or by action of the city engineer, shall be referred to the city engineer, whose duty it shall be to establish forthwith the line and grade upon which any sidewalk, driveway, curb or gutter shall be built.

(Code 1968, § 41-89; Ord. No. 90-635, § 110, 5-23-90)

#### **Sec. 40-90. Altering lines or grades when putting down permanent street pavement.**

The city hereby expressly reserves the right, when putting down a permanent street pavement, either by the original construction or reconstruct-

tion, to change or alter the lines and grades of such permanent pavement and of the sidewalks, driveways, curbs and gutters on the street, when in the opinion of the city council such change is necessary for the proper paving or drainage of the street, and without liability on the part of the city by reason of such change. In the event that a sidewalk or driveway, the line or grade of which is changed, is in good condition and does not, in the opinion of the city council, require entire reconstruction, the owner thereof shall be given notice, as provided for in section 40-83 of this Code, to break such sidewalk or driveway back to a point fixed by the city engineer and to remove the broken portion and reconstruct such portion on the line and grade determined by the city engineer, at the cost of such abutting owner. In the event such owner shall fail or refuse to obey the order of the city council, he shall be subject to all the penalties of this article, and the city council shall have the right to have such breaking and reconstructing to grade of such sidewalk or driveway done by a paving contractor, or other person, at the expense of the abutting owner. (Code 1968, § 41-90; Ord. No. 90-635, § 110, 5-23-90)

#### Sec. 40-91. Required materials.

Sidewalks shall be constructed of either cement, concrete, asphalt or other durable material as the council may designate, and the order of the city council ordering the construction shall designate the materials to be used. No driveways, curbs or gutters shall be built of other material than cement or concrete. (Code 1968, § 41-91)

#### Sec. 40-92. Specifications for cement work.

The city hereby adopts and approves as standard specifications for cement sidewalks, driveways, curbs and gutters the following:

- (1) *Materials.* Cement or concrete sidewalks, driveways, curbs and gutters shall be built of Portland cement, fine aggregate and coarse aggregate.
- (2) *Fine aggregate.* Fine aggregate shall consist of washed sand having clean, hard, durable, uncoated grains, free from soft or

flaky particles or other injurious matter, shall be well graded from coarse to fine and, when tested by standard laboratory methods, shall meet the following requirements:

<i>Retained on</i>	<i>Percent by weight</i>
3/8" screen .....	0%
1/4" screen .....	0-5%
50 mesh sieve .....	70-95%
100 mesh sieve .....	95-100%

Weight removed by elutriation test not more than 2%.

When subjected to the color test for organic impurities, fine aggregate shall not show a color darker than the standard color.

Aggregates from different material sources, or aggregates from the same source having different grading or other physical characteristics, shall be stock piled separately and batched independently. Aggregates shipped in dirty cars or containers, or that which becomes mixed with weeds, dirt or other foreign material, or that which is not uniform or the component parts of which have become segregated will be rejected.

- (3) *Coarse aggregate.* Coarse aggregate shall consist of crushed stone, gravel or oyster shell, having hard, clean, strong, durable pieces free from excessive adherent coatings, free from salt and alkali, and, when tested by standard laboratory methods, shall conform to the following requirements:

The maximum percentage of deleterious substances shall not exceed the following values by weight:

Removed by decantation .....	4%
Shale .....	0.25%
Clay lumps .....	0.25%
Soft fragments .....	3%

Other local deleterious substances, such as friable pieces . . . 3%

The sum of the percentages of all above constituents shall not exceed . . . . . 5%

The wear for crushed stone or gravel shall not exceed the following percentages:

Crushed stone . . . . . 7%  
Gravel . . . . . 17%

Coarse aggregate shall conform to the grading requirements given below when tested on standard round-opening screens, and shall be well graded within the limits specified. Aggregates of different classes shall not be mixed except on the written permission of the engineer. Changes in the classes of aggregate being used while the work is in progress will be permitted upon due notice by the contractor to the engineer of his intentions and the fulfillment of the necessary requirements to comply with these specifications. Aggregates in which different size particles have become segregated due to improper stock-piling, improper handling, or for other reasons, shall before being used, be mixed to conform to the grading requirements hereinafter specified, and shall be uniform.

**Coarse aggregate (crushed stone or gravel)**

<i>Retained on</i>	<i>Percent by weight</i>
3" screen . . . . .	0
2½" screen . . . . .	0-5
1½" screen . . . . .	5-40
¾" screen—not less than . . . . .	90
No. 8 sieve—not less than . . . . .	95

**Coarse aggregate (oyster shell)**

<i>Retained on</i>	<i>Percent by weight</i>
2½" screen . . . . .	0
1½" screen . . . . .	5 to 20
¾" screen . . . . .	20 to 50
¼" screen . . . . .	65 to 90
No. 8 sieve . . . . .	88 to 100

Aggregates from different material sources, or having different characteristics, shall not be mixed either in piling or batching, except by special permission from the engineer. Aggregate shipped in dirty cars or containers, or that becomes mixed with weeds, dirt or foreign material, or that is not uniform, or the component parts of which have become segregated will be rejected.

- (4) *Concrete body.* The concrete shall be composed of standard Portland cement or an approved high early strength cement, fine aggregate, coarse aggregate and water, mixed and proportioned according to the workability factor method of design, and in accordance to definite specification requirements herein outlined.

The concrete shall contain not less than four (4) sacks of cement per cubic yard and not more than eight (8) gallons of water net per sack of cement when gravel coarse aggregate is used.

The concrete shall contain not less than five (5) sacks of cement per cubic yard and not more than eight and one-half (8½) gallons of water net, per sack of cement when oyster shell coarse aggregate is used.

The concrete shall be uniform and workable. The amount of coarse aggregate (dry loose volume) shall not be more than 0.85 cubic feet per cubic foot of concrete.

The net amount of water will be the amount of water added at the mixer plus the free water in the aggregates, plus or minus the absorption of the aggregates, based on a thirty (30) minute absorption period. No water allowance will be made for evaporation after batching.

- (5) *Foundation.* The foundation shall consist of firm, hard soil from which all vegetable matter and other loose material have been removed. In the event it is necessary to build up the foundation, the same shall be done with selected earth or other material satisfactory to the city engineer and shall be built up and well tamped in six-inch

layers and such filling shall extend at least one (1) foot on each side of the walk.

- (6) *Location and grade.* All sidewalks, driveways, curbs and gutters shall be built as located by the city engineer, and on the grade established by him. At street intersections and at other places, the curb and gutter may be built on a radius, as the city engineer may direct, and the contractor in charge of the work shall receive no extra compensation on account of such work being on a curved alignment. Where driveways occur into private property across the parkway between the curb line and the sidewalk, such driveways shall be built with a return curb, having a vertical face and joining the main curb of the street with a two-foot radius.

(7) *Combined curb and gutter.*

- a. *Thickness.* The standard combined curb and gutter shall consist of a curb six (6) inches in thickness and fifteen and three-quarter (15¾) inches in height combined with a gutter eight (8) inches in thickness and eighteen (18) inches in width, all built as a monolithic structure. The outer corner of the curb shall be rounded to a three-inch radius.
- b. *Templates.* The curb and gutter shall be constructed with a one-eighth-inch metal template placed at six (6) foot intervals. These shall be removed before placing the topping.
- c. *Mortar topping.* The mortar topping shall be a mortar composed of one part of Portland cement and one and one-half (1½) parts of fine aggregate thoroughly mixed dry before the addition of water.

The face board and templates shall be removed as soon as the concrete has set sufficiently to stand up and the mortar topping shall then be immediately applied. The topping shall be three-fourths-inch thick on the top of the curb and the top of the gutter and shall be one-half-inch thick on the face of the curb.

- d. *Finishing.* The mortar topping shall be given a smooth trowel finish and shall have a one-quarter-inch "finish joint" at the exact location of each template joint.

The back edge of the curb and the front edge of the gutter shall be rounded with a one-half-inch edging tool.

The back of the gutter at the face of the curb shall be finished with a one-inch radius.

The curb and gutter surface shall be lightly brushed to remove all trowel marks.

- e. *Expansion joints.* An approved type of commercial pre-molded expansion joint one-inch thick shall be placed at the end of all radius returns at street intersections and where meeting existing inlets.

The joint materials shall be cut from one piece of material to conform to the shape of the curb and gutter.

(8) *Sidewalks.*

- a. *Thickness.* Standard sidewalks shall be composed of not less than four and one-quarter (4¼) inches of concrete and one-quarter inch of mortar topping, making a total of four and one-half (4½) inches. The maker's name shall be stamped on each sidewalk built by him in letters not less than one and one-quarter (1¼) inches high and one-quarter-inch deep.
- b. *Expansion joints.* An approved type of commercial pre-molded expansion joint one-half-inch thick shall be placed where two (2) lines of sidewalks intersect, where meeting existing walk at intervals of not more than thirty-six (36) feet throughout the entire length of the sidewalk. At all places where sidewalks meet curbs, a one-inch approved type of commercial pre-molded expansion joint shall be provided. An expansion joint material shall extend entirely through the sidewalk, and shall extend the entire width of the sidewalk.

- c. Mortar topping. The mortar topping shall be a mortar composed of one part Portland cement and one and one-half ( $1\frac{1}{2}$ ) parts of fine aggregate thoroughly mixed dry and may be applied wet or dry.

All topping must be applied before the concrete has been in place not more than ten (10) minutes.

In the use of dry or monolithic topping, the topping must be applied while excess water is on the concrete and must be worked to a plastic mixture by the use of wood floats or darbies. The addition of water to the dry mortar topping will not be allowed unless there is insufficient excess water in the concrete to thoroughly wet the dry mortar.

The mortar topping shall be smoothly struck off by use of a wood strike board riding on top of the forms. The surface shall then be smoothly finished with a wood hand float working in a circular or rotary motion.

The edges of the walk shall be rounded off with a one-half-inch radius edging tool.

The walk shall be marked off one-eighth-inch deep at a spacing equal to the width of the walk with a joint tool equal in width to the width of the edging tool.

(9) *Driveways.*

- a. Thickness. Standard concrete driveways shall be composed of not less than five and three-quarter ( $5\frac{3}{4}$ ) inches of concrete and one-quarter-inch of mortar topping, making a total of six (6) inches.

On streets having curb and gutter, the driveway shall have a monolithic curb on each side, six (6) inches in width and a varying height, meeting the height of the curb at the street and meeting the sidewalk elevation. This curb shall have at least a two-foot radius joining with the street curb and shall have a wet mortar topping one-half-inch thick.

- b. Expansion joints. An approved type of commercial premolded expansion joint material one inch thick and extending entirely through the driveway for its full width and depth shall be placed at the sidewalk intersection.
- c. Mortar topping. The mortar topping shall be a mortar composed of one part Portland cement and one and one-half ( $1\frac{1}{2}$ ) parts of fine aggregate thoroughly mixed dry and may be applied wet or dry.

All topping must be applied before the concrete has been in place not more than ten (10) minutes.

In the use of dry monolithic topping, the topping must be applied while excess water is on the concrete and must be worked to a plastic mixture by the use of wood floats or darbies. The addition of water to the dry mortar topping will not be allowed unless there is insufficient water in the concrete to thoroughly wet the dry mortar.

- d. Finishing surface. The mortar topping shall be struck off with a wood strike board to a smooth finish. The surface shall then be smoothly finished with a wood darby and a hand float working in a circular or rotary motion.
- (10) *Protecting new work.* After sidewalks, driveways, curbs and gutters have been completed they must be protected from injury by keeping traffic off for at least five (5) days, and from the sun by a covering of sand, boards, building paper or canvas, and must be sprinkled daily for at least two (2) days after completion.
- (11) *Miscellaneous.* In general, all forms shall be smooth and the work shall be done in a workmanlike manner giving straight lines where required, true planes and a smooth finish properly brushed to remove marks and shall be in every way satisfactory to the city engineer. When the work is completed, all curbs shall have earth thoroughly filled in and tamped against the back; all

rubbish, surplus excavated material, forms and other materials shall be removed and the work left in a neat and orderly manner.  
(Code 1968, § 41-92; Ord. No. 90-635, §§ 110, 112, 5-23-90)

**Sec. 40-93. Specifications for sidewalks of other than cement or concrete.**

If the city council selects other material than cement or concrete for the building of sidewalks, it shall be the duty of the city engineer to prepare specifications therefor, and the property owners shall cause such sidewalks to be built in accordance with such specifications and on the line and grade established by the city engineer.  
(Code 1968, § 41-93; Ord. No. 90-635, § 110, 5-23-90)

**Sec. 40-94. Contracts for construction not to provide longer time than fixed by council.**

No contract for the construction of any sidewalk, driveway, curb or gutter ordered by the city council shall be made which shall provide a longer time for the completion of such work than the time fixed by the city council.  
(Code 1968, § 41-94)

**Sec. 40-95. Contractor's bond.**

(a) No person, except a person laying permanent street pavement under contract with the city, shall be entitled to construct, reconstruct or repair any sidewalk, driveway, curb or gutter in the city, unless he shall first execute to the city a yearly bond in the sum of two thousand dollars (\$2,000.00), payable to the city, with two (2) or more sureties, or with a corporate surety authorized to do business in Texas, conditioned that the principal therein will construct, reconstruct or regrade all sidewalks, driveways, curbs or gutters in accordance with the ordinances of the city and on the line and grade as established by the city engineer, and further conditioned that such person will save the city harmless from all loss or damage to any person, of whatever character, arising by reason of negligence on the part of the contractor in performing such work, or in leaving the same ungraded, or from any other cause. The bond shall

further recite that all work done by the contractor during the year for which such bond shall hold good, shall be performed to the satisfaction of the city engineer.

(b) The bond may be accepted on behalf of the city by the mayor, the mayor pro tem, the director of public works and engineering, or any person designated and so authorized by the mayor in a writing signed by the mayor and filed with the city secretary. Any such acceptance may be accomplished by signature on the bond itself or by any other means which indicates an acceptance of the benefits of such bond.

(Code 1968, § 41-95; Ord. No. 81-22, § 1, 1-13-81; Ord. No. 90-635, §§ 110, 113, 5-23-90; Ord. No. 93-514, § 78, 5-5-93)

**Sec. 40-96. Deviation from council's order.**

After the passage of any order prescribing the construction, reconstruction, repair or regrading of sidewalks, curbs, gutters or driveways, or any of them, it shall be unlawful for any property owner to construct any other or different sidewalk, driveway, curb or gutter than that prescribed in such order, and any person, after the passage of such order, who shall construct a sidewalk, driveway, curb or gutter different from that prescribed in such order shall be deemed guilty of an offense.

(Code 1968, § 41-96)

**Sec. 40-97. City may refuse to pave streets until sidewalks and curbs laid.**

The city shall have the right, and it is hereby expressly reserved, to refuse to pave any street unless and until the owners of abutting property shall previously lay, in the manner prescribed by the city council, curbs and sidewalks thereon.

(Code 1968, § 41-97)

**Charter reference**—Authority to enact ordinance similar to above section, Art. IV, § 4.

**Sec. 40-98. Article applies to construction in connection with erection of buildings.**

The provisions of this article shall apply to and govern the construction or reconstruction of side-



walks, driveways, curbs or gutters in connection with the erection of buildings in the city.  
(Code 1968, § 41-98)

#### **Sec. 40-99. Violations.**

Any person constructing, reconstructing, repairing or regrading any sidewalk, driveway, curb or gutter who shall fail first to give the bond required by section 40-95 of this Code, or who shall construct, reconstruct or repair any sidewalk, driveway, curb or gutter without obtaining from the city engineer the line and grade therefor, or who shall construct any sidewalk, driveway, curb or gutter on any other line and grade than that given by the city engineer, or without obtaining a permit therefor, or who shall fail to construct, reconstruct, repair or regrade any sidewalk, driveway, curb or gutter after notice so to do, or who shall violate any other provision of this article, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as provided in section 1-6 of this Code.

(Code 1968, § 41-99; Ord. No. 90-635, § 110, 5-23-90)

**Secs. 40-100—40-109. Reserved.**

### **ARTICLE IV. STREET OILING PERMIT**

#### **Sec. 40-110. Required.**

It shall be unlawful for any person to oil or allow the oiling of any public street, highway, or alleyway within the city, without having applied for and obtained a street oiling permit from the director of public works and engineering or his designee ("the director").

(Code 1968, § 41-110; Ord. No. 90-635, § 114, 5-23-90; Ord. No. 93-514, § 79, 5-5-93)

#### **Sec. 40-111. Information to be furnished by applicant.**

Applicants for a permit required by this article shall furnish, on forms to be furnished by the director, the following information:

- (1) Which portions of which streets, highways or alleyways are proposed to be oiled.

- (2) The name, business address and business telephone number of the contractor who is to perform the street oiling.
- (3) The description, by specification, of the materials to be used.
- (4) The method of application to be used.
- (5) The date of the proposed work is to commence.
- (6) Such other information as the director may require.

(Code 1968, § 41-111; Ord. No. 90-635, § 114, 5-23-90)

#### **Sec. 40-112. Bond to be furnished by applicant.**

Each applicant for a street oiling permit must furnish, on forms to be provided by the director, a bond executed by the contractor who is to perform the street oiling and by one corporate surety, which surety shall be a corporation qualified and licensed by the board of insurance commissioners of the state, in the amount of \$10,000.00, which bond shall provide and be conditioned that the principal and surety will be primarily liable for its negligent and wrongful acts and will further indemnify and save harmless the city and its officers from any and all demands, claims, or liability, regardless of by whom claimed, arising out of or in any manner incident to the doing of any work pursuant to or under the terms of any permit issued, during the coverage period of the bond, and assumes all liability for any and all acts relating to the performance of the oiling of any street. A single recovery shall not exhaust such bond, but the same shall remain in full force and effect until the whole amount thereof has been recovered, or until the bond has terminated in accordance with the following provision. Such bond shall terminate at midnight on December thirty-first of the same year in which it shall have been executed; provided, that such termination shall not discharge or release the principal obligor and the surety from the payment of claims and the liability therefor based upon breach of the conditions of the bond occurring prior to the termination thereof. Each such bond shall be accompanied by an appropriate power of attorney